

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| Applicant: | Robert J Ratterman et al. | Examiner: Beth Van Doren |
| Serial No.: | 09/503,960 | Group Art Unit: 3623 |
| Filed: | February 14, 2000 | Docket: 2043.002US1 |
| Title: | DETERMINING A COMMUNITY RATING FOR A USER USING FEEDBACK RATINGS OF RELATED USERS IN AN ELECTRONIC ENVIRONMENT | |

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

The Applicants request review of the final rejection in the above-identified application.
No amendments are being filed with this request.

This request is being filed with a Notice of Appeal.

The review is requested for the reason(s) stated below:

§102 Rejection of the Claims

Claims 1-8, 11, 14-17, 21-29, 31-32, 40-45, 47 and 55-58 were rejected under 35 U.S.C.
§ 102(e) for anticipation by Epinions.com (hereinafter, "Epinion").

Claim 1 recites as follows:

A method, comprising:

associating one or more characteristic values with each user of a plurality
of users of an online trading community, the one or more characteristic values
representing an individual rating associated with each user; and

deriving a community rating uniquely corresponding to a particular user by
aggregating the one or more characteristic values associated with the particular
user and the one or more characteristic values associated with one or more users
referred by the particular user to the online trading community.

(Emphasis added)

The Applicants appreciate the Examiner's thorough response to the previously submitted
arguments. However, the Applicants contend the Examiner has mischaracterized Epinions with
respect to the claimed subject matter as recited in the current claims. Specifically, the Examiner
has indicated in the April 14, 2006 Office Action (OA):

Epinions.com teaches that a rating is derived for a specific user by combining a

value/values associated with the user and a value/values associated with other users referred to the web of trust by the user (i.e. directed to the group by association with the particular user)...Epinions.com obtains at least one rating for the particular user based on the responses of the community to that specific user, the responses of the specific user to other members of the community, and the specific user's interaction with the community. (OA, page 16, 1st paragraph). (Emphasis added).

The is nothing in Epinions that discloses, as quoted above, the combining a value/values associated with the user and a value/values associated with other users referred to the web of trust by the user, or as recited in the present claims, a community rating for the particular user that is derived by aggregating the one or more characteristic values associated with the particular user and the one or more characteristic values associated with one or more users referred by the particular user to the online trading community. In other words, Epinions does not use or take into account a user X's characteristic value or values (e.g., community rating "trusted") when deriving the particular user's community rating.

To distinguish even further, there is nothing in Epinions that discusses the limitation that the one or more characteristic values associated with one or more users to be aggregated with the particular user's values are one or more users referred by the particular user to the online trading community. It is clear the Examiner has mischaracterized this limitation as indicated in the OA:

Examiner notes that she agrees with applicant that Epinions.com does not specifically teach a user recruiting and functionally causing another user to visit and join the community (an example of functionally causing another user to join the community would be, for example, giving other users passcodes to the community). However, Examiner points out that there is no specific recitation in the claims as to what being "referred" functionally entails. As previously discussed, Examiner suggests bring such functional language into the claims. However, as the claims are written, a user "backing" another user is sufficient to meet the recitation of being referred to the online community. (OA, page 17, 1st paragraph) (Emphasis added).

However, the Applicants are, in claim 1, not claiming or attempting to claim a user recruiting and functionally causing another user to visit and join the community. Adding such language in light of the current limitations cited would be unnecessary limiting of the claim scope. Specifically, as mentioned above, Epinions does not disclose, as recited in claim 1, deriving a community rating uniquely corresponding to a particular

user by aggregating the one or more characteristic values associated with the particular user and the one or more characteristic values associated with one or more users, and where those one or more users are referred by the particular user to the online trading community. The term “referred” clearly defines which of the online trading community users will be used to “derive” the community rating for the particular user, which in turn clearly differentiates the claimed subject matter from the prior art. For additional argument, please see pages 14 and 15 of the January 18, 2006 Response.

Therefore, for at least these reasons, claim 1 and all claims dependent therefrom are patentable over Epinions. The same arguments that apply to claim 1 are also applicable to independent claims 14, 22, 28, 40, 42, and 55 and their associated dependent claims. It is respectfully requested these rejections upon review of the panel be removed.

§103 Rejection of the Claims

Claims 33-39, 48-51 and 53-54 were rejected under 35 U.S.C. §103(a) as being unpatentable over Epinions.com.

Claims 9-10, 46, 52 and 59 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Epinions.com in view of Aho et al. (Data Structures and Algorithms).

Combining the teachings of Aho et al. to Epinions fails to cure Epinion’s defects with respect to what is recited in the independent claims. For additional discussion and argument please see the January 18, 2006 Response at pages 16 and 17.

CONCLUSION

The Applicants respectfully submit that all of the pending claims are in condition for allowance, and such action is earnestly solicited. The Examiner is invited to telephone the below-signed attorney at 408-278-4045 to discuss any questions which may remain with respect to the present application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

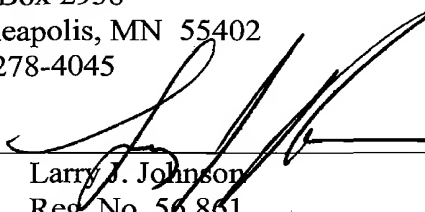
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By their Representatives,

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Date August 14, 2004

By


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This paper or fee is being filed on the date indicated above using the USPTO's electronic filing system EFS-Web, and is addressed to The Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.